

MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON WEDNESDAY, FEBRUARY 4, 1998.

Members

Present: Patrick J. Gilmartin, Chairman
William Hoffman
Peter Lilienfield
Allen Morris, Secretary

Members Absent: Robert Buford

Also Present: Kevin J. Plunkett, Village Counsel
Brenda Livingston, Ad Hoc Planning Board
Member
Florence Costello, Planning Board Clerk
Thomas Jackson, E.C.B. Chair
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 94-03 -- Westwood Development
Associates, Inc.

Sht.10,10C,11,Lots
25K,25J2,25K2,25A,26A
96-13 -- Louis Goodkind
Sht. 10F, Bl. 253, Lot 15
98-02 -- Spectrum Irvington Corp.
Sht. 12B, Lot #19
98-03 -- Spectrum Irvington Corp.
Sht. 12B, Lot #32
98-04 -- Spectrum Irvington Corp.
Sht. 12B, Lot #33
98-05 -- Danfor Realty
Sht 13, P-141B
98-06 -- Robert & Katherine Mackie
Sht. 2, P110C & 110D
98-07 -- Michael & Lynn Leahey
Sht. 13B, Part of P-10
Informal Discussion - DiNardo (O'Hara)
Sht. 15, P-121

The Chairman called the meeting to order at 8:00
p.m.

IPB Matter #96-13: **Application of Louis W. Goodkind**
for Preliminary
 Layout Approval for a two lot
Subdivision of property
 at Harriman Road and Fieldpoint Drive.

Applicant submitted: copy of letter dated January 20, 1998 to the County Board of Health, Village Environmental Conservation Board, and Village Architectural review Board regarding designation of Irvington Planning Board as Lead Agency in the review of the proposed subdivision; Drawings prepared by Charles Riley, Land Surveyor, "Preliminary Subdivision and Site Plan prepared for Louis W. Goodkind, dated October 15, 1992, last revised August 19, 1997", "Lot 1 Site Plan, dated October 15, 1992 last revised January 21, 1998", "Lot 2 Site Plan, dated October 15, 1992, last revised January 21, 1998", and "Sanitary Sewer and Water Main Profiles, dated February 24, 1997 last revised July 17, 1997". Held over to March 4, 1998 meeting.

IPB Matter #98-05: **Application of Danfor Realty for**
Site Capacity
 Determination for property at Hamilton
Road.

Mr. Andrew J. Fiore appeared for the Application. Applicant paid the required application fee and submitted drawing prepared by Charles Riley, Land Surveyor, "Topography/Survey prepared for Danfor Realty Co., dated January 22, 1998". The Chairman asked for any public response. There were no comments from the public. A site capacity of one was approved, further clarified as site capacity for a one family dwelling unit.

IPB Matter #98-02: **Application of Spectrum Irvington**
Corp. for Site
 Development Plan Approval for Lot #19,
Legend
 Hollow.

Messrs. Craig Studer and Dan Gray appeared for the Applicant. The Chairman re-opened the public hearing

carried over from the February 4, 1998 meeting. Mr. Mastromonaco's memo dated January 7, 1998 requested further review of roof leaders and storm drainage discharge. Mr. Mastromonaco's memo dated February 4, 1998 stated he had reviewed the revised plan and all comments have been addressed. The Board approved "Site Plan Lot #19, for Spectrum Irvington Corp., dated December 10, 1997, last revised February 2, 1998".

IPB Matter #98-03: **Application of Spectrum Irvington Corp. for Site**

Development Plan Approval for Lot #32,

Legend

Hollow.

Messrs. Craig Studer and Dan Gray appeared for the Applicant. The Chairman re-opened the public hearing carried over from the February 4, 1998 meeting. All previous concerns (Mr. Mastromonaco's memo dated January 7, 1998) were addressed. There were no comments from the public. The Board approved "Site Plan Lot #32, for Spectrum Irvington Corp., dated December 10, 1997, last revised February 2, 1998".

IPB Matter #98-04: **Application of Spectrum Irvington Corp. for Site**

Development Plan Approval for Lot #33,

Legend

Hollow.

Messrs. Craig Studer and Dan Gray appeared for the Applicant. Applicant paid the required application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. E.C.B. comments dated February 4, 1998 and Ralph Mastromonaco's memo dated February 4, 1998 were considered. The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan Lot #33, for Spectrum Irvington Corp., dated January 7, 1998 last revised February 2, 1998".

Informal Discussion:
property owned by Joseph

Informal Discussion of

DeNardo at Hudson Road.

Although not listed on the Agenda, owners are seeking a variance to construct a driveway in the Broadway Buffer. The Chairman read aloud "Village of Irvington Report and Recommendations to the Trustees, Irvington Land Use Review Committee" Sec. 243-51 (copy annexed to these Minutes). Thomas Jackson, E.C.B. Chair, advised many unauthorized trees were cut down. Applicant was advised to go before the Zoning Board of Appeals.

IPB Matter #98-06: Application of Robert & Katherine
Mackie for

Plan Approval a 3 lot subdivision and Limited Site
for property at 41A North Broadway.

Norman Sheer, Esq., and Timothy Cronin, P.E. appeared for the Application. Applicant paid the required application fee and provided evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of division of the Applicant's property into three residential building lots and to allow the construction of two new homes.

Questions arose as to proposed construction of a common driveway in the Broadway Buffer, utility hookup sites, and stone wall/driveway opening. Under the Village Code the Planning Board can permit access through the Buffer Zone in this area of Broadway. The Chairman said that the Board would like to see a detail of how the stone wall that separates the property from Broadway would appear after any driveway cut through it. Public discussion was opened. Vicki Lewin, neighbor, suggested that construction vehicles should use the proposed driveway only, and not the private road that gives access to the present house on the property being subdivided. The Site Capacity Application was reviewed and the Board determined the Site Capacity to be three (3) dwelling units. The Planning Board agreed to act as Lead Agency for SEQRA purposes and the Chairman undertook to so notify the other interested agencies. The Application will be reviewed by the Environmental Conservation Board on February 12, 1998. EAF will be reviewed and completed by the Planning Board to be presented at the March meeting after receipt of ECB's observations.

IPB Matter #98-07:
Leahey for Site

Application of Michael & Lynn

Development Plan Approval for property
at
14 Lewis Road.

Applicant paid the required application fee and submitted evidence of mailing of required Notice to Affected Property Owners. Applicant did not appear, however the Board reviewed the application for a proposed one story addition to the existing residence of 13,974 cubic feet. Applicant submitted "Survey prepared by Aristotle Bournazos, P.C., dated May 23, 1997", and "Site Plan and Architectural Plans, by Ferdinand Gottlieb Associates, dated January 24, 1998".

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-17 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, the Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or

amending any of said Map, Plan or Ordinance, **NOW, THEREFORE,** the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #94-03: **Application of Westwood Development Associates, Inc., for Limited Site Development Plan Approval for property at Broadway, Riverview Road and Mountain Road.**

Messrs. Padraic Steinschneider and Charles Pateman appeared on behalf of the Application. Mr. Pateman asked for an informal discussion of a proposed change on the way the roads in Tract A, the westernmost portion of the proposed development, would be owned. Originally, it was contemplated that they would be offered for dedication to the Village but because the road from Broadway to the school property that would connect with Tract A is a private road, this is not possible. Accordingly, it is now contemplated that all the roads in Tract A will be private and owned by a Homeowner's Association which will own the roads and common areas in Tract A. Tract A would then be developed under cluster provisions of the Village Code, assuming the Board of Trustees agrees to empower the Planning Board to use clustering for Tract A. In order to make the application to the Board of Trustees a recommendation from the Planning Board is necessary. The roads would be owned by the lot owners with easements in favor of the members of the Homeowner's Association. After some discussion, the Board advised Mr. Pateman that it could not answer the question at this point but would give it consideration. Mr. Marra advised the School Board was awaiting the D.E.I.S.

No stenographic transcript of the proceeding was made.

Ministerial:

- Spectrum Irvington Corp., submitted applications for Site Development Plan Approval for Lot #2 and Lot #41, for review and public hearing at the March 4, 1998 Planning Board meeting.

- Minutes of the Planning Board held on January 7, 1998, previously distributed, were on motion duly made and seconded, approved as corrected.
- The next regular meeting of the Planning Board was scheduled for March 4, 1998.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Allen Morris, Secretary